

10/5/01

U. S. BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

ABINGDON CALENDAR - OCTOBER 9, 2001

(The Honorable William F. Stone Jr. Presiding)

(Start _____ Recess _____ / _____ Stop _____ Trials: _____ Proceedings _____)

Attys: **Debtors:** **Case Nos.:** **Trustees:**

9:00 A. M. - TELEPHONE CONFERENCE IN VISITING CHAMBERS

(No Court Reporter Required; call to be initiated by Fred Leonard)

Leonard HOLSTON FURNITURE OF VA INC-chll 7-01-01181 DIP/JM
A/P 7-01-00045: Further Pre-Trial Conference (by telephone)
Debtor v. Tennessee Dept of Revenue (Gina Baker Hansen*Tn/B.Miner*Va)

9:15 A. M. - TELEPHONE CONFERENCE IN VISITING CHAMBERS

(No Court Reporter Required; call to be initiated by counsel)

M.Black CRAIG S. CROPP MD_ch7 7-01-00093 Callahan/
A/P -01-00093: Obtain declaratory judgment: re: determination of professional insurance
liability of Ch 7 debtor; enjoin prosecution of state court malpractice action
St. Paul Fire & Marine Insurance Company (Phillip V.Anderson) v. William
E. Callahan, Jr., Trustee (Callahan); Craig S. Cropp, MD (Black); Craig S.
Cropp MD PC (); Harper Wayne Linthicum by his parents and best
friends, Gary and Michelle Linthicum (*S.D. Roberts Moore)
***Answer of Linetcum & Motion to Dismiss and Motion to Abstain filed 8/28**
Counsel to initiate call

9:30 A. M. - PRE-TRIALS IN COURTROOM

Copeland HAWKEYE TRUCKING CO-inc-ch7 7-97-00139 Wick/LM
AP 7-00-00037: Det. Property of estate; further pre-trial conference
Robert E. Wick, Ch 7 Trustee (Kieffer) and Michael H Holland, Marty D. Hudson,
Joseph P. Brennan & B. V. Hyler Trustees of UMW 1974 Pension Trust(Kieffer)
V. Shaw Honaker (Copeland)

Lamie MOLLY JANE COLEMAN-chll 7-01-01199
A/P 7-01-00047 pre-trial @ Abg by agreed ord & consent of parties; Void Conveyance
Debtor v. Roger Coleman(?no answer) Andrew Hansen, Trustee(Esposito);
Mark Esposito, Trustee;(Esposito); Community Trust Bk (Esposito)& IRS (Keen)
-MOTION for extension of discovery filed by Debtor 9/28 (to take up at PTC per ltr)

9:30 A. M. - PRE-TRIALS IN COURTROOM

Lamie	NED BALDWIN	7-99-03684	Callahan
	AP 7-01-00100: Recover money or property Wm. E Callahan Jr., Trustee (Lamie*) v. Life Investors Insurance Company of America (Shortridge) *apptd 2/8/01 as atty for trustee –Motion of defendant to dismiss (filed 8/31 w/notice)		
Montgomery	ROBERT ANDERSON-ch7	7-01-00030	Wick/ S
	A/P 7-01-00102: Obtain approval for sale of both interest in estate and of co-owner Trustee (Wick) v. Debtor (Jms.Montgomery); Barbara Anderson () and Rose Marie Tickle, Treasurer ()		
Large	JAMES FELTY-ch7	7-01-03165	Callahan/MC
	Motion #1: Relief - filed 9/17; d/e # 11, 12 Highlands Union Bank (Hutton) v. debtor & trustee –ORDER ENTERED 10/4 (dismissing motion) –see also trustee's motion scheduled at 10:00		
J Jessee	ROBERT & AMANDA TESTERMAN-ch7	7-01-03490	Callahan/LM
	Motion #1: Relief - filed 9/17; d/e # Highlands Union Bank (Hutton) v debtors & trustee Order entered 10/01 granting relief from stay – d/e #12		
Via	SHIRLEY CARTER - Ch. 7	7-01-01976	Callahan
	A/P No. 7-01-00108: Object to or revoke a discharge William E. Callahan, Trustee v. Debtor		
Carmody	DONALD MCAMIS-ch7	7-01-03316	Wick/JJ
	Motion #1: Relief - filed 9/17; d/e # 9 Highlands Union Bank (Hutton) v. debtor & trustee –DEFAULT order entered 10/4		

9:30 A. M. - PRE-TRIALS IN COURTROOM

Proctor DARRELL & MISTY SNODGRASS-ch7 7-01-03253 Wick/PR
Motion #1: Relief - filed 9/17; d/e # 15 ,16
Highlands Union Bank (Hutton) v. debtors & trustee
Response filed 9/26/01; d/e # 20

Note: –Proposed Default Order tendered – Per counsel for debtor re: response filed 9/26; he has endorsed an agreed order & believes that Mr. Hutton may already have tendered it to the court or will bring it 10/9

Largen ROBERT TODD JR.-ch7 7-01-03435 *Callahan/MC
Motion #2: Relief – filed 9/20; d/e # 14, 15
Citizens Auto Finance (C.Fogleman) v debtor & trustee

**Note : Callahan rejected Trusteeship; Mr. Wick appointed and will conduct §341 on 10/11; Movant will re-issue notice to 10/23@9:30 to allow time for new trustee to conduct §341 & review position on motion; movant will also tender order consenting to §341 stay contg to new hrg date*

also: re: Mot. #1 @ 10:00 - ORDER entered & hrg cancelled

C. Jessee JAMES C. BALL -CH7 7-99-02518 Callahan
A/P 7-01-00092: Recover money or property
Wm. E. Callahan, Jr., trustee (Shortridge) v. Debtor (C.Jessee); Eric Douglas Ball, Phyllis Ball, Erica Ball, Ashley Ball Sammie G. Ball, Tamera Michelle Blevins, Joey Winn Blevins, Joseph Shane Blevins, Samantha Joehanah Blevins, Tristan Arnetta Blevins, First Bank and Trust Co,(Esposito) and Unborn Children of Eric Ball and Unborn Children of Tamera Blevins
–summons re-issued at pltf request to 10/9 @ 9:30

Motion of debtor to disqualify counsel for plaintiff/trustee, Michael Shortridge

Motion of debtor/co-defendant, James C. Ball, to dismiss Complaint
Motion of First Bank & Trust Co (Esposito) to dismiss

Notice of Hearing filed 9/7 on Motion to Dismiss (d/e #16 & 20) of “Defendants, Robert T. Copeland Esq., and Copeland Molinary & BiegerPC” (D.Bieger/L.Kirskey)
(Note: also filed Answer & Affirmative Defenses, d/e # 15; however, is listed on adversary proceeding pleading under “Also Serve” and is not listed on the court’s Adversary Proceeding docket cover sheet as a “defendant”)

Abingdon Calendar - 10/9/01

10:00 A. M. -MISCELLANEOUS HEARINGS

Large JAMES FELTY-ch7 7-01-03165 Callahan/MC
Trustee Motion to Dismiss case or extend time for filing complaint objecting
to discharge - filed 9/18; d/e # 13
–*see also relief motion scheduled at 9:30*

Proctor DOUGLAS PRUITT-ch7 7-01-03088 Callahan/AF
Motion of Trustee to Approve Settlement and Compromise with Marvin Silcox
Filed 9/13; d/e # 15

Gifford GUY & STELLA RICHARDSON-ch13 7-98-02995 Widener/MC
Motion of Sole Heir of Debtors, deceased, to dismiss case filed 9/14; d/e # 34

Copeland WOOD WORLD, INC. - Ch. 7 7-97-01796 McDow/JJ
Objection filed by Donald and Delphia Jensen to proposed final distribution
and final report (d/e # 76)
–Response filed by U.S.Trustee to obj to proposed final distribution d/e # 78
–granted in part at 7/24 hearing; continued for additional pleadings as to IRS issues

Objection of Don & Delphia Jensen (Copeland) to Claim #13 of IRS (Pat Genis)in
amt of \$59,447.48; **c/s filed 8/6; d/e # 87**
–Agreed Order entered 10/5

Motion of Donald & Delphia Jensen (Copeland) for subrogation, d/e # 86, filed 7/31
–**Response of U.S.T. filed 10/4; d,e # 90 (Garber)**

Abingdon Calendar - 10/9/01

10:00 A. M. -MISCELLANEOUS HEARINGS

Largen	JAMES & MARY TURPIN-ch7	7-01-01194	Wick/SJ
	Debtors' Motion to Redeem tangible personal property and Motion for Valuation of Security w/Grand Home Furnishings & trustee d/e # 13 - contd fr 8/15 (discussing redemption) ; contd from 8/28 pending pmt by 10/1		
Carmody	CLARA HALL-ch7	7-01-02357	Wick/NS
	Motion #1: Avoid lien filed 9/6; d/e # 14, 15 Debtor v First Va. Bank c/o John T Donelan, Esq. <u>Order avoiding lien entered 9/21</u> – d/e #18		
Fleenor	THOMAS & TRALANA CLIFTON - Ch. 7	7-01-03526	Callahan/JJ
	Motion #1: Avoid lien filed 9/12 – d/e # 10 Debtors v. Beneficial Discount Co. Of Va. – New Notice forthcoming(10/4) on Mot #1 for proper service on 11/8 @ 10		
	Motion #2: Avoid lien filed 9/12 – d/e # 10 Debtors v. CitiFinancial –proposed default order in transit		
Farthing	MELLIE & PAULA WILLIAMS - Ch. 7	7-01-03046	Callahan/JJ
	Motion #1: Relief – d/e #12 CitiMortgage, Inc. (Lake) v. Debtors & Trustee		
Fleenor	DONALD BARRETT - Ch. 7	7-01-01093	Callahan/PR
	Motion for Compensation filed by Trustee and Fannon Land & Auction Co., Inc. – d/e #41, 44		
Hutchinson	RICHARD & BILLIE WILSON-ch7	7-01-03279	Wick/NS
	Motion #1: Relief - filed 9/13; d/e # 12 Conseco Finance Service Corp (McQuiddy) v debtors & trustee <u>AGREED ord entered 10/4</u>		
Abingdon Calendar - 10/9/01			

10:00 A. M. -MISCELLANEOUS HEARINGS

Widener	DONALD & AMY MORRISON-ch7 Motion #1: Relief - filed 9/17; d/e # Highlands Union Bank (Hutton) v. debtors & trustee -DEFAULT order entered 10/4	7-01-02794	Wick/S
Olinger	BOBBY GOAD-ch7 Motion #1: Relief filed 9/18; d/e # 14, 15 Mercedes Benz Credit Corp (Higgs) v. debtor & trustee *new trustee appointed 9/21; copy of pre-hearing ord forwarded by case adm. Order granting relief entered 10/02/01	7-01-03058	Wick/AF
Farthing	EDDIE COOK-ch7 Motion #1: Relief - filed 9/17; d/e # 11 12 Ford Motor Credit co (Eason) v debtor & trustee <u>Response fled 9/24; d/e # 17</u>	7-01-03221	Wick/VS
Largen	ROBERT TODD JR-ch7 Motion #1: Relief - filed 9/18; d/e # 11, 12, 13 Mercedes Benz Credit Corp (Higgs) v. debtor & trustee -ORDER of 10/3 granted relief (default)	7-01-03435	Wick/MC
Carroll	HEATH & TAMMY CLEVINGER-ch7 Motion #1: Relief - filed 9/19; d/e # 10, 11 Aurora Loan Services (Jaffee) v. debtors & trustee	7-01-03272	Wick/SJ
Kendrick	BURLEY & TERRY PRICE-ch7 Motion of U. S Trustee to Extend Debtors' discharge and time for filing Motion to Dismiss or complaint to deny discharge (Garber); filed 9/24; d/e # 14	7-01-02673	Callahan/PR

Abingdon Calendar - 10/9/01

10:00 A. M. -MISCELLANEOUS HEARINGS

Arey RONALD & SHONNIE WYATT-ch7 7-01-02693 Callahan/PR
Motion of U. S Trustee to Extend Debtors' discharge and time for filing Motion to
Dismiss or complaint to deny discharge (Garber); filed 9/24; d/e # 14

11:00 A. M. -MISCELLANEOUS HEARINGS

Copeland THOMAS B DUNN-chll 7-98-02465 DIP/MC
Adequacy of 1st Amended Discl. Stmt. D/e # 162; 164

White W & L LEASING & ENGINEERING CORP-chll 7-99-03015 DIP/MC
Confirmation of Plan re: #166
Objection: Wachovia Bank, N.A. (Esposito) – d/e #185
Orix Credit Alliance, Inc. (Lyle) – d/e #184
Associates Commercial Corp (Fleischhauer) filed 10/2; d/e # 186

Goldstein ABSHER REALTY INC-chll 7-97-01759 DIP/MC
Motion of U. S. Trustee to compel filing of monthly reports filed 9/24; de #293

Copeland JIMMY COOPER - Ch. 11 7-99-03591 DIP/VS
Motion #4: Relief - contd from 8/15;
First Century Bank NA (Black) v. debtor; d/e # 122
Notice of Hearing on Objections, if any, to compromise to be set 10/9 or 10/23?

NOTE: Ord fixed 10/23 for objections, if any, to compromise

Abingdon Calendar - 10/9/01

11:00 A. M. -MISCELLANEOUS HEARINGS

Lamie SAMUEL BANKS - Ch. 11 7-96-01240 DIP/LM
 U. S. Trustee's Motion to Compel filing of monthly reports (Garber)

1:00 P. M. - CHAPTER 12 & 13 CONFIRMATION HEARINGS

Copeland RONNIE EDWARDS-ch13 7-00-00392 Widener/SJ
 Mod Plan filed 6/25; d/e # 62, 63 ; Mot to continue filed 8/6 to 8/28 granted by 8/7 ord
 –certif of service filed 6/29 ; contd fr 8/28
 Objection: Trustee w/motion to dismiss or convert, d/e # 68 filed 8/7

Largen LISA REEDY 7-01-02474 Widener/NS
 Plan filed 6/4; d/e # 6
 Objection: Ralph & Jayne Aker (Mitchell* admitted?)
 –contd fr 9/12 for review of pmt records

Copeland JOHNNY KESTNER-ch13 7-01-03136 Widener/JJ
 Chapter 13 plan filed 7/26–d/e #12; Cert. Of Service filed 8/13–d/e #18
 Objection: USA/IRS (Eckert)

Hutchinson JAMES & SUSAN LONG-ch13 7-01-02428 Widener/AF
 Mod Plan filed 8/24; d/e # 17, 18

Motion for valuation: GCB Acceptance; 2000 Cavalier, d/e # 14, filed 7/31
Objection filed by GCB Acceptance Corp. (Hutton) 8/16 – d/e #15 CONTD fr 9/12

Abingdon Calendar - 10/9/01

1:00 P. M. -CHAPTER 13 CONFIRMATIONS

Largen JOHN & MARGARET NEWMAN-chl3 7-01-02894 Widener/S
Mod Plan filed 7/13 with certif of service. D/e # 14

CONVERTED TO CH 7 on 9/18/01

Delafield GREGORY PATTON 7-01-02788 Widener/AF
Plan filed 6/21/ d/e # 6
Objection: Trustee with Motion to dismiss filed 8/29; d/e # 17

Timoney LISA ODELL-chl3 7-01-03139 Widener/PR
Plan filed 7/13/01; d/e # 6
Objection: Trustee with Motion to dismiss or convert filed 8/29; d/e # 15

Farthing JOHN & PATRICIA CHOP-chl3 7-01-02932 Widener/SJ
Plan filed 6/29; d/e # 5 ; *amended plan filed 9/4, d/e # 16 (re:Local Rule 3015-2(A)(1)*
OBJECTION: Trustee with Motion to dismiss/convert **filed 8/24; d/e # 14**

Hutchinson SCOTT WOODS-chl3 7-01-03092 Widener/SJ
Note: Mod plan filed 9/12; d/e # 16, 17; set for conf 11/27 @ 1:00
Objection to prior plan : Trustee with Motion to dismiss/convert; filed 8/29; d/e # 14

Gifford JAMES & ESTHER HUDSON-chl3 7-01-03179 Widener/NS
Plan filed 8/8; d/e # 14
Objection: Trustee with Motion to dismiss or convert; d/e # 16, filed 8/29

Abingdon Calendar - 10/9/01

1:00 P. M. -CHAPTER 13 CONFIRMATIONS

Timoney JOSEPH & DOROTHY BURNETTE-chl3 7-01-03138 Widener/AF
Plan filed 7/13; d/e # 6
Objection: Trustee and showcause on dismissal filed 8/29; d/e # 17

Objection to Claim #1: Twin County Regional Hospital, filed 8/22; d/e # 13

Obj to Claim #2 of Carroll County Treasurer - grants 30 days for response but
Obj was filed on 9/17 and scheduled 10/9 hearing (less than 30-days) d/e # 18

Gifford ROY & SHELIA HILL-chl3 7-96-00888 Widener/AF
Mod Plan filed 8/30; d/e # 137; 138

Lamie SAMUEL, JR., & MARY TRENT - Ch. 13 7-97-02085 Widener/MC
2nd Mod. Plan filed 8/17 – d/e #71

Objections of Trustee w/dismiss/convert motion filed at docket entries #51, & 62
Contd from 8/15

Motion of Trustee to Revalue property and increase payments filed 7/23 contd fr 8/15
d/e # 68

Gifford JAMES & SYLVIA KENNEDY-chl3 7-01-02949 Widener/S
Modified Plan filed 95 w/cert of serv.

Carmody ROBERT & LENA WHITT 7-01-02830 Widener/PR
Plan filed 9/20 (*with service to all creditors, less than 20-day notice (no ntc of new conf
hrg issued) ch 13 trustee filed mot to dismiss or convert & scheduled 10/23 @ 1)*)
–**ORDER of 10/5 granted motion, continued Conf hrg to 11/8 @ 1:00 (to
hear w/valuation motions to be set)**

Abingdon Calendar - 10/9/01

1:00 P. M. -CHAPTER 13 CONFIRMATIONS

1:00 P. M. - MISCELLANEOUS HEARINGS

Oglebay ROBERT & CLARA CHAFIN_CHL3 7-01-02662 Widener/SJ
(Note: Mod plan filed 9/11 set for conf 11/27 @ 1 & tr. S/c contd to same date)
Motion for valuation: Consecro Finance: '96 Fleetwood Mobile Home filed 9/7; d/e #14
Objection: Consecro (Chappell*) filed 10/5 (*note: requested dates by phone for continuance of hearing)

Mot for valuation: First Bank & Trust - '89 Chev. Pickup & '87 Ford Van, filed 9/7;#15

Motion for valuation: Heilig Meyers -furn: filed 9/7; d/e # 16

Lamie JANET BISHOP-chl3 7-01-03331 Widener/VS
Motion for valuation of '96 chev. Blazer : Branch Banking & Trust
–**NOTE: case recused to The Honorable Ross W. Krumm, Chief Judge**
(Conf. Hrg set by video 10/4 @3:00)

Timoney TAMMY MCGRADY - Ch. 13 7-00-03607 Widener/NS
Motion # 1: Relief
Alliance Bank (Neyhart) v. Debtor – d/e # 36

2:30 P. M. -MISCELLANEOUS HEARINGS

J.Jessee LEROY M. HULL- Ch 11 7-01-03786 DIP/JJ
Kubota Tractor Corp. Motion to Convert to Ch 7 (Sid Kirstein)
filed 9/27; d/e # 18
–Response of Debtor filed 10/4; d/e # 20

3:00 P. M. - STATUS HEARING

Copeland HARMAN MINING - 98-1988 SO
A/P 7-00-00009: **STATUS HEARING**
Senstar Finance (Francis) v. H & M Equipment, et al